



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 204

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 204 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 10-9 and 10-10 as follows:

6 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

7 Sec. 10-9. The following electoral boards are designated  
8 for the purpose of hearing and passing upon the objector's  
9 petition described in Section 10-8.

10 1. The State Board of Elections will hear and pass upon  
11 objections to the nominations of candidates for State offices,  
12 nominations of candidates for congressional, legislative and  
13 judicial offices of districts or circuits situated in more than  
14 one county, nominations of candidates for the offices of  
15 State's attorney or regional superintendent of schools to be  
16 elected from more than one county, and petitions for proposed  
17 amendments to the Constitution of the State of Illinois as  
18 provided for in Section 3 of Article XIV of the Constitution.

19 2. The county officers electoral board to hear and pass  
20 upon objections to the nominations of candidates for county,  
21 municipal, and township offices, for congressional,  
22 legislative and judicial offices of a district or circuit  
23 coterminous with or less than a county, for school and  
24 community college district offices ~~trustees to be voted for by~~

1 ~~the electors of the county or by the electors of a township of~~  
2 ~~the county,~~ for the office of multi-township assessor where  
3 candidates for such office are nominated in accordance with  
4 this Code, and for all special district offices, shall be  
5 composed of the county clerk, or an assistant designated by the  
6 county clerk, the State's attorney of the county or an  
7 Assistant State's Attorney designated by the State's Attorney,  
8 and the clerk of the circuit court, or an assistant designated  
9 by the clerk of the circuit court, of the county, of whom the  
10 county clerk or his designee shall be the chairman, except that  
11 in any county which has established a county board of election  
12 commissioners that board shall constitute the county officers  
13 electoral board ex-officio. If a municipality, school  
14 district, or community college district is located in 2 or more  
15 counties, the county officers electoral board of the county in  
16 which the principal offices of the municipality, school  
17 district, or community college district is located shall hear  
18 and pass upon objections to nominations of candidates for the  
19 municipal offices, school district offices, or community  
20 college district offices.

21 3. (Blank). ~~The municipal officers electoral board to hear~~  
22 ~~and pass upon objections to the nominations of candidates for~~  
23 ~~officers of municipalities shall be composed of the mayor or~~  
24 ~~president of the board of trustees of the city, village or~~  
25 ~~incorporated town, and the city, village or incorporated town~~  
26 ~~clerk, and one member of the city council or board of trustees,~~  
27 ~~that member being designated who is eligible to serve on the~~  
28 ~~electoral board and has served the greatest number of years as~~  
29 ~~a member of the city council or board of trustees, of whom the~~  
30 ~~mayor or president of the board of trustees shall be the~~  
31 ~~chairman.~~

32 4. (Blank). ~~The township officers electoral board to pass~~  
33 ~~upon objections to the nominations of township officers shall~~  
34 ~~be composed of the township supervisor, the town clerk, and~~

1 ~~that eligible town trustee elected in the township who has had~~  
2 ~~the longest term of continuous service as town trustee, of whom~~  
3 ~~the township supervisor shall be the chairman.~~

4 5. (Blank). ~~The education officers electoral board to hear~~  
5 ~~and pass upon objections to the nominations of candidates for~~  
6 ~~offices in school or community college districts shall be~~  
7 ~~composed of the presiding officer of the school or community~~  
8 ~~college district board, who shall be the chairman, the~~  
9 ~~secretary of the school or community college district board and~~  
10 ~~the eligible elected school or community college board member~~  
11 ~~who has the longest term of continuous service as a board~~  
12 ~~member.~~

13 6. In all cases, however, where the Congressional or  
14 Legislative district is wholly within the jurisdiction of a  
15 board of election commissioners and in all cases where the  
16 school district or special district is wholly within the  
17 jurisdiction of a municipal board of election commissioners and  
18 in all cases where the municipality or township is wholly or  
19 partially within the jurisdiction of a municipal board of  
20 election commissioners, the board of election commissioners  
21 shall ex-officio constitute the electoral board.

22 For special districts situated in more than one county, the  
23 county officers electoral board of the county in which the  
24 principal office of the district is located has jurisdiction to  
25 hear and pass upon objections. For purposes of this Section,  
26 "special districts" means all political subdivisions ~~other~~  
27 ~~than counties, municipalities, townships and school and~~  
28 ~~community college districts.~~

29 In the event that any member of the county officers  
30 electoral ~~appropriate~~ board is a candidate for the office with  
31 relation to which the objector's petition is filed, he or she  
32 shall not be eligible to serve on that board and shall not act  
33 as a member of the board and his or her place shall be filled by  
34 the county treasurer, and if he or she is ineligible to serve,

1 by the sheriff of the county. as follows:

2 ~~a. In the county officers electoral board by the county~~  
3 ~~treasurer, and if he or she is ineligible to serve, by the~~  
4 ~~sheriff of the county.~~

5 ~~b. In the municipal officers electoral board by the~~  
6 ~~eligible elected city council or board of trustees member~~  
7 ~~who has served the second greatest number of years as a~~  
8 ~~city council or board of trustees member.~~

9 ~~c. In the township officers electoral board by the~~  
10 ~~eligible elected town trustee who has had the second~~  
11 ~~longest term of continuous service as a town trustee.~~

12 ~~d. In the education officers electoral board by the~~  
13 ~~eligible elected school or community college district~~  
14 ~~board member who has had the second longest term of~~  
15 ~~continuous service as a board member.~~

16 In the event that the chairman of the electoral board is  
17 ineligible to act because of the fact that he is a candidate  
18 for the office with relation to which the objector's petition  
19 is filed, then the substitute chosen under the provisions of  
20 this Section shall be the chairman; In this case, the officer  
21 or board with whom the objector's petition is filed, shall  
22 transmit the certificate of nomination or nomination papers as  
23 the case may be, and the objector's petition to the substitute  
24 chairman of the electoral board.

25 ~~When 2 or more eligible individuals, by reason of their~~  
26 ~~terms of service on a city council or board of trustees,~~  
27 ~~township board of trustees, or school or community college~~  
28 ~~district board, qualify to serve on an electoral board, the one~~  
29 ~~to serve shall be chosen by lot.~~

30 Any vacancies on the county officers ~~an~~ electoral board not  
31 otherwise filled pursuant to this Section shall be filled by  
32 public members appointed by the Chief Judge of the Circuit  
33 Court for the county wherein the electoral board hearing is  
34 being held upon notification to the Chief Judge of such

1 vacancies. The Chief Judge shall be so notified by a member of  
2 the electoral board or the officer or board with whom the  
3 objector's petition was filed. In the event that none of the  
4 individuals designated by this Section to serve on the  
5 electoral board are eligible, the chairman of an electoral  
6 board shall be designated by the Chief Judge.

7 (Source: P.A. 87-570.)

8 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

9 Sec. 10-10. Within 24 hours after the receipt of the  
10 certificate of nomination or nomination papers or proposed  
11 question of public policy, as the case may be, and the  
12 objector's petition, the chairman of the electoral board other  
13 than the State Board of Elections shall send a call by  
14 registered or certified mail to each of the members of the  
15 electoral board, and to the objector who filed the objector's  
16 petition, and either to the candidate whose certificate of  
17 nomination or nomination papers are objected to or to the  
18 principal proponent or attorney for proponents of a question of  
19 public policy, as the case may be, whose petitions are objected  
20 to, and shall also cause the sheriff of the county or counties  
21 in which such officers and persons reside to serve a copy of  
22 such call upon each of such officers and persons, which call  
23 shall set out the fact that the electoral board is required to  
24 meet to hear and pass upon the objections to nominations made  
25 for the office, designating it, and shall state the day, hour  
26 and place at which the electoral board shall meet for the  
27 purpose, which place shall be in the county court house in the  
28 county in the case of the County Officers Electoral Board,~~the~~  
29 ~~Municipal Officers Electoral Board, the Township Officers~~  
30 ~~Electoral Board or the Education Officers Electoral Board. The~~  
31 ~~Township Officers Electoral Board may meet in the township~~  
32 ~~offices, if they are available, rather than the county~~  
33 ~~courthouse.~~ In those cases where the State Board of Elections

1 is the electoral board designated under Section 10-9, the  
2 chairman of the State Board of Elections shall, within 24 hours  
3 after the receipt of the certificate of nomination or  
4 nomination papers or petitions for a proposed amendment to  
5 Article IV of the Constitution or proposed statewide question  
6 of public policy, send a call by registered or certified mail  
7 to the objector who files the objector's petition, and either  
8 to the candidate whose certificate of nomination or nomination  
9 papers are objected to or to the principal proponent or  
10 attorney for proponents of the proposed Constitutional  
11 amendment or statewide question of public policy and shall  
12 state the day, hour and place at which the electoral board  
13 shall meet for the purpose, which place may be in the Capitol  
14 Building or in the principal or permanent branch office of the  
15 State Board. The day of the meeting shall not be less than 3  
16 nor more than 5 days after the receipt of the certificate of  
17 nomination or nomination papers and the objector's petition by  
18 the chairman of the electoral board.

19 The electoral board shall have the power to administer  
20 oaths and to subpoena and examine witnesses and at the request  
21 of either party the chairman may issue subpoenas requiring the  
22 attendance of witnesses and subpoenas duces tecum requiring the  
23 production of such books, papers, records and documents as may  
24 be evidence of any matter under inquiry before the electoral  
25 board, in the same manner as witnesses are subpoenaed in the  
26 Circuit Court.

27 Service of such subpoenas shall be made by any sheriff or  
28 other person in the same manner as in cases in such court and  
29 the fees of such sheriff shall be the same as is provided by  
30 law, and shall be paid by the objector or candidate who causes  
31 the issuance of the subpoena. In case any person so served  
32 shall knowingly neglect or refuse to obey any such subpoena, or  
33 to testify, the electoral board shall at once file a petition  
34 in the circuit court of the county in which such hearing is to

1 be heard, or has been attempted to be heard, setting forth the  
2 facts, of such knowing refusal or neglect, and accompanying the  
3 petition with a copy of the citation and the answer, if one has  
4 been filed, together with a copy of the subpoena and the return  
5 of service thereon, and shall apply for an order of court  
6 requiring such person to attend and testify, and forthwith  
7 produce books and papers, before the electoral board. Any  
8 circuit court of the state, excluding the judge who is sitting  
9 on the electoral board, upon such showing shall order such  
10 person to appear and testify, and to forthwith produce such  
11 books and papers, before the electoral board at a place to be  
12 fixed by the court. If such person shall knowingly fail or  
13 refuse to obey such order of the court without lawful excuse,  
14 the court shall punish him or her by fine and imprisonment, as  
15 the nature of the case may require and may be lawful in cases  
16 of contempt of court.

17 The electoral board on the first day of its meeting shall  
18 adopt rules of procedure for the introduction of evidence and  
19 the presentation of arguments and may, in its discretion,  
20 provide for the filing of briefs by the parties to the  
21 objection or by other interested persons.

22 In the event of a State Electoral Board hearing on  
23 objections to a petition for an amendment to Article IV of the  
24 Constitution pursuant to Section 3 of Article XIV of the  
25 Constitution, or to a petition for a question of public policy  
26 to be submitted to the voters of the entire State, the  
27 certificates of the county clerks and boards of election  
28 commissioners showing the results of the random sample of  
29 signatures on the petition shall be prima facie valid and  
30 accurate, and shall be presumed to establish the number of  
31 valid and invalid signatures on the petition sheets reviewed in  
32 the random sample, as prescribed in Section 28-11 and 28-12 of  
33 this Code. Either party, however, may introduce evidence at  
34 such hearing to dispute the findings as to particular

1 signatures. In addition to the foregoing, in the absence of  
2 competent evidence presented at such hearing by a party  
3 substantially challenging the results of a random sample, or  
4 showing a different result obtained by an additional sample,  
5 this certificate of a county clerk or board of election  
6 commissioners shall be presumed to establish the ratio of valid  
7 to invalid signatures within the particular election  
8 jurisdiction.

9 The electoral board shall take up the question as to  
10 whether or not the certificate of nomination or nomination  
11 papers or petitions are in proper form, and whether or not they  
12 were filed within the time and under the conditions required by  
13 law, and whether or not they are the genuine certificate of  
14 nomination or nomination papers or petitions which they purport  
15 to be, and whether or not in the case of the certificate of  
16 nomination in question it represents accurately the decision of  
17 the caucus or convention issuing it, and in general shall  
18 decide whether or not the certificate of nomination or  
19 nominating papers or petitions on file are valid or whether the  
20 objections thereto should be sustained and the decision of a  
21 majority of the electoral board shall be final subject to  
22 judicial review as provided in Section 10-10.1. The electoral  
23 board must state its findings in writing and must state in  
24 writing which objections, if any, it has sustained.

25 Upon the expiration of the period within which a proceeding  
26 for judicial review must be commenced under Section 10--10.1,  
27 the electoral board shall, unless a proceeding for judicial  
28 review has been commenced within such period, transmit, by  
29 registered or certified mail, a certified copy of its ruling,  
30 together with the original certificate of nomination or  
31 nomination papers or petitions and the original objector's  
32 petition, to the officer or board with whom the certificate of  
33 nomination or nomination papers or petitions, as objected to,  
34 were on file, and such officer or board shall abide by and

1 comply with the ruling so made to all intents and purposes.  
2 (Source: P.A. 91-285, eff. 1-1-00.)".